

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ROBIN JOACHIM DARTELL, et al.,  
individually and on behalf all others  
similarly situated,

*Plaintiffs,*

v.

TIBET PHARMACEUTICALS, INC., et  
al.,

*Defendants.*

Civil Action No. 14-3620

**ORDER**

This matter comes before the Court by way of the motions for summary judgment brought by Defendants L. McCarthy Downs, III and Hayden Zou. D.E. 207, 210. Plaintiffs filed briefs in opposition to which Defendants replied. D.E. 227, 231, 240, 245. The Court reviewed the submissions in support and in opposition, and considered the motions without oral argument pursuant to Fed. R. Civ. P. 78(b) and L. Civ. R. 78.1(b). For the reasons set forth in the Court's Memorandum Opinion accompanying this Order, and for good cause shown,

IT IS on this 10th day of May, 2017

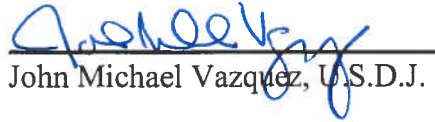
**ORDERED** that Defendants' motions (D.E. 207, 210) are **GRANTED in part and DENIED in part**; and it is further

**ORDERED** that Downs' motion is **GRANTED** with respect to his liability as an underwriter pursuant to 15 U.S.C. § 77k(a)(5); and it is further

**ORDERED** that both Defendants' motions are **GRANTED** with respect to their liability pursuant to 15 U.S.C. § 77k(a)(2); and it is further

**ORDERED** that both Defendants' motions are **DENIED** with respect to their liability pursuant to 15 U.S.C. § 77k(a)(3) and their due diligence defense under this subsection; and it is further

**ORDERED** that the following Plaintiffs are dismissed from this matter due to lack of standing: Jude Shao, Jason Helton, and Ming Yang.

  
John Michael Vazquez, U.S.D.J.